

**C L I F F O R D
C H A N C E**

CLIFFORD CHANCE US LLP

31 WEST 52ND STREET
NEW YORK, NY 10019-6131

TEL +1 212 878 8000
FAX +1 212 878 8375

www.cliffordchance.com

By ECF

Hon. Robert M. Levy
United States Magistrate Judge
U.S. District Court for the Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Direct Dial: +1 212-878-3224
E-mail: robert.houck@cliffordchance.com

November 27, 2017

**RE: Applebaum, et al. v. National Westminster Bank, Plc, 07-cv-916 (DLI) (RML);
Weiss, et al. v. National Westminster Bank, Plc, 05-cv-4622 (DLI) (RML);
Strauss et al. v. Crédit Lyonnais, S.A. 06-cv-702 (DLI) (RML);
Wolf, et al. v. Crédit Lyonnais, S.A., 07-cv-914 (DLI) (RML)**

Dear Judge Levy:

I write on behalf of defendant National Westminster Bank Plc ("NatWest") to correct the misstatements in plaintiffs' letter to the Court of this morning.

Plaintiffs' letter incorrectly suggests that I am "taking over the representation of NatWest" in this matter. The previous letters in this exchange made it perfectly clear that I represent NatWest for the limited purpose of responding to plaintiffs' October 17, 2017 request to change the order of trials. As was previously explained to plaintiffs and the Court, NatWest's trial counsel, Messrs. Blackman and Friedman of Cleary Gottlieb, are unable to represent NatWest on this particular question because of a potential ethical conflict arising from their simultaneous representation of Crédit Lyonnais ("CL"). For that reason, when plaintiffs contacted Mr. Friedman to solicit CL's view on whether the deadline for the CL JPTO should be extended, Mr. Friedman did not speak or purport to speak on behalf of NatWest. Nor did plaintiffs understand him to be doing so, as is reflected in their letter dated November 20, 2017 to the Court in which they conveyed CL's position on the question, but not NatWest's position.

Plaintiffs' request to change the order of trials – and related request to change the due date for the CL JPTO – should be rejected for the reasons stated in my previous letters dated October 30, 2017 and November 21, 2017, which reasons plaintiffs' most recent letter does not address in any meaningful way.

**C L I F F O R D
C H A N C E**

CLIFFORD CHANCE US LLP

Respectfully submitted,



Robert G. Houck

Counsel for National Westminster Bank, Plc

cc: All Counsel of Record via ECF